

Article - Health - General

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§4–302.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “Standard request” means a request for clinical information from a health information exchange that conforms to the major standards version specified by the Office of the National Coordinator for Health Information Technology.

(3) “State designated exchange” means the health information exchange designated by the Maryland Health Care Commission and the Health Services Cost Review Commission under § 19–143 of this article.

(b) This section applies to:

(1) Except for the State designated exchange, a health information exchange operating in the State; and

(2) A payor that:

(i) Holds a valid certificate of authority issued by the Maryland Insurance Commissioner; and

(ii) Acts as, operates, or owns a health information exchange.

(c) An entity to which this section applies shall connect to the State designated exchange in a manner consistent with applicable federal and State privacy laws.

(d) When a standard request for clinical information is received through the State designated exchange, an entity to which this section applies shall respond to the request to the extent authorized under federal and State privacy laws.

(e) A consent from a patient to release clinical information to a provider obtained by an entity to which this section applies shall apply to information transmitted through the State designated exchange or by other means.

(f) The Maryland Health Care Commission:

(1) May adopt regulations for implementing the connectivity to the State designated exchange required under this section; and

(2) Shall seek, through any regulations adopted under item (1) of this subsection, to promote technology standards and formats that conform to those specified by the Office of the National Coordinator for Health Information Technology.

(g) (1) The Maryland Health Care Commission may adopt regulations specifying the scope of clinical information to be exchanged under this section.

(2) Any regulations adopted under paragraph (1) of this subsection shall limit the scope of the clinical information to purposes that promote:

(i) Improved access to clinical records by treating clinicians;
or

(ii) Uses of the State designated exchange important to public health agencies.

(h) This section does not:

(1) Require an entity to which this section applies to collect clinical information or obtain any authorizations, not otherwise required by federal or State law, relating to information to be sent or received through the State designated exchange;

(2) Prohibit an entity to which this section applies from directly receiving or sending information to providers or subscribers outside of the State designated exchange; or

(3) Prohibit an entity to which this section applies from connecting and interoperating with the State designated exchange in a manner and scope beyond that required under this section.

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